

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION

(PCT Rule 66)

Date of mailing
(day/month/year) 23.05.2000

Applicant's or agent's file reference
03 34068

REPLY DUE **within 3 month(s)**
from the above date of mailing

International application No.
PCT/GB99/02371

International filing date (day/month/year)
21/07/1999

Priority date (day/month/year)
04/08/1998

International Patent Classification (IPC) or both national classification and IPC
H04B7/208

Applicant
ICO SERVICES LTD et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain document cited
 - VII ☒ Certain defects in the international application
 - VIII ☒ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 04/12/2000.

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. This opinion has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".*):

Description, pages:

1-34 as originally filed

Claims, No.:

1-32 as originally filed

Drawings, sheets:

1/9-9/9 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

3. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 29, 30, 31, 32,

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

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- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 29, 30, 31, 32 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-28	yes
Inventive step (IS)	Claims	1-28	yes
Industrial applicability (IA)	Claims	1-28	yes

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Section III

- 1). The scope of claims 29-32 is indeterminate. See also PCT Rule 6.2(a).

Section V

- 1). The nearest prior art is considered to be EP-A-0 658 014 (D1).
- 2). D1 discloses a satellite communications system where, if congestion occurs within a spot beam, certain classes of subscriber units are inhibited by broadcasting a parameter set of inhibited users on a broadcast channel in the beam.
- 3). Neither D1 nor any of the other available prior art suggests determining the location of a subscriber unit on the earth, informing the subscriber unit in which of a plurality of zones it lies, informing the subscriber unit which zones are congested and then having the subscriber undertake congestion-control measures if the subscriber unit determines itself to be located within a congested zone. This has the advantage that the zones in which anti-congestion measures are instigated can be smaller than the whole footprint of a beam.
- 4). Thus the subject-matter of claims 1 and 8 and their dependent claims is considered to be novel and to involve an inventive step.

Section VII

- 1). The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 2). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Section VIII

- 1). The scope of claims 15 and 22 is unclear (Article 6 PCT) because, although these

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SEPARATE SHEET**

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claims ostensibly relate to a user terminal and an earth station respectively, in fact they define additionally responses of other parts of the system in such a manner that it is not clear whether these are limitations on the scope of the claim or not (example: claim 22, is so-worded that a characterising feature of the earth station appears to be that the user terminals observe congestion control measures). N.B. a similar objection applies to the corresponding statements of invention on pages 5-7 of the description. By extension the claims dependent on claims 15 and 22 are also unclear.